

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1718.01</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Jane Taylor-Holmes</b>
<b>DATE OF COMPLAINT:</b>	<b>March 22, 2001</b>
<b>DATE OF REPORT:</b>	<b>April 20, 2001</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>May 15, 2001</b>

**COMPLAINT ISSUES:**

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-6(a)(2) with regard to the school's alleged failure to include measurable annual goals in the student's *individualized education program* (the "IEP").

511 IAC 7-27-6(a)(10) and 7-27-9(a)(9) with regard to the school's alleged failure to ensure the case conference committee considered a continuum of placement options in determining the least restrictive environment for the student.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's *IEP* as written, specifically, failing to provide identified accommodations/adaptations.

**FINDINGS OF FACT:**

1. The student (the "Student") is 13 years old and is in the sixth grade at the local middle school (the "School"). The Student is eligible for special education services as a student with a learning disability ("LD").
2. The Student's *IEP* for the 2000-01 school year, dated May 18, 2000, includes three annual goals: to develop language arts skills at the sixth grade level; to do math at the sixth grade level; and to develop academic skills necessary to complete the sixth grade. The CCC convened on September 19, 2000, but no changes were made to the annual goals.
3. The *CCC Report* from the May 18, 2000, CCC meeting indicates the Student's present level of educational performance is at the 6<sup>th</sup> grade level of academic proficiencies. It also describes how the Student's disability affects her involvement and progress in the general education curriculum. Based on this information, the CCC narrowed its consideration to two placements when determining the least restrictive environment (the "LRE") for the Student. Consideration was given to placing the Student in a part-time special education resource room and part-time special education instruction in the general education classes. The CCC determined the LRE for the Student as part-time special education in general education classes. The Complainant concurred with this placement as indicated by her written consent on May 18, 2000. The CCC convened on September 19, 2000, but did not change the Student's placement.
4. The Complainant asserts that the school failed to provide adequate adaptations. The Complainant

provided no documentation or other support for this assertion. The May 18, 2000, *IEP* identifies the following adaptations to be utilized in the classroom:

- class notes should be provided to the student with instruction;
- give more time for tests; and
- use assignment sheets or notebook to assist with organizational skills.

The Complainant signed consent indicating her agreement with these adaptations.

5. The Student's teachers report they are implementing the identified adaptations and provide the Student with additional support as necessary, such as extending deadlines for projects, monitoring assignments to ensure the Student understands, and utilizing a paraprofessional to assist the Student.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the Student's *IEP* contains annual goals for the Student to attain sixth grade proficiencies in math, language arts, and other academic areas. By identifying the level of proficiency (sixth grade level), the annual goal contains the measure against which the Student's level of performance can be compared to determine if the goal has been achieved. Therefore, no violation of 511 IAC 7-27-6(a)(2) occurred.
2. Finding of Fact #3 indicates that the CCC narrowed its consideration to two placements when determining the Student's LRE and agreed to a placement of part-time special education instruction in the general education classroom. The Student's *IEP* contains a statement of the Student's present levels of educational performance, and how the Student's disability affects her involvement and progress in the general education curriculum. No violation of 511 IAC 7-27-6(a)(10) or 511 IAC 7-27-9(a)(9) occurred.
3. Findings of Fact #4 and #5 indicate that the Student's *IEP* for the 2000-2001 school year contained three adaptations and that the classroom teachers implemented those adaptations along with other supports to assist the Student. No violation of 511 IAC 7-27-7(a) occurred.

**The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.**

DATE REPORT COMPLETED: April 20, 2001